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March 22, 2017

BY ELECTRONIC MAIL

Hon. Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

USDC-SDNY
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Re: *United States v. Jason Galanis, et al.*, S1 16 Cr. 371 (RA)

Dear Judge Abrams:

I represent Devon Archer, one of the defendants in the above-referenced case. I write to respectfully request the Court's permission for Mr. Archer to take a business trip to the Philippines. Your Honor has eight times previously granted Mr. Archer permission to travel internationally on business, which he has done without incident on each occasion, including to Italy, England, Spain, Latvia, Lithuania, Russia, Vietnam, China, Malaysia, Singapore, and the Philippines. As before, the Court's Pretrial Services Office consents to this request, but the Government objects.¹

The proposed trip would be from March 26 to April 1, to the Philippines, for continued meetings in connection with a potential acquisition/investment on behalf of a company in which Mr. Archer is involved. As usual, Mr. Archer has provided an itinerary to his Pretrial Services Officer, who as noted consents to this request. A copy of Mr. Archer's proposed flight and lodging information is attached as Exhibit A, which we respectfully request to be filed under seal.

On eight prior occasions, the Court has permitted Mr. Archer to travel internationally for business. On each occasion, Mr. Archer returned on time and without incident, usually after surrendering his wife's and three young children's passports to Pretrial Services for the duration of his travel. On one prior occasion, Your Honor permitted Mr. Archer's wife to travel with him, and on another occasion, Dr. Archer had a separate international trip planned at the same time as Mr. Archer's and so Your Honor permitted her to keep her passport. On his last trip, earlier this month, Your Honor permitted Mr. Archer's wife and his oldest child to meet him for the London

¹ To be more accurate, yesterday I contacted the government to get its position on this motion, telling the AUSAs that I would "report that you continue to object, unless you tell me otherwise." This morning I also called each of the AUSAs, but I have not yet received a response. Based on the government's objection to Mr. Archer's eight previous trips, however, it is safe to assume it continues to object.

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leg of his trip, while his two other young children stayed home. In addition, Mr. Archer has reported to Pretrial Services daily while away, and has executed and provided to the United States Attorney's Office an open-ended waiver of extradition, in the form requested by the Government, which covers not only his business trips but the entire duration of proceedings in this case. Specifically:

- On June 13, 2016, Your Honor permitted Mr. Archer to travel on business to Italy.
- On July 26, 2016, Your Honor permitted Mr. Archer and his wife, Dr. Archer, to travel on business to Latvia.
- On September 9, 2016, Your Honor permitted Mr. Archer to travel on business to China.
- On October 17, 2016, Your Honor permitted Mr. Archer to travel on business to England and Lithuania. On October 21, 2016, Your Honor further granted permission for Mr. Archer to modify his itinerary to include business travel to Russia.
- On November 28, 2016, Your Honor permitted Mr. Archer to travel on business to England and Spain.
- On January 4, 2017, Your Honor permitted Mr. Archer to travel on business to Vietnam and China. On January 17, 2017, Your Honor further granted permission for Mr. Archer to modify his itinerary to include travel to the United Kingdom.
- On February 16, 2017, Your Honor permitted Mr. Archer to travel on business to Singapore, Malaysia, and the Philippines. Although Mr. Archer's wife did not travel with him, she was permitted to retain her passport because she had a separate international trip planned for the same time.
- On March 6, 2017, Your Honor permitted Mr. Archer to travel on business to Russian and London. Mr. Archer's wife and his oldest child were permitted to join him in London for that leg of his trip.

In short, Mr. Archer has proven that he is no risk of flight. As we have previously explained, the evidence that Mr. Archer is not a flight risk is not limited to these seven prior international trips. In the interests of judicial economy, we will not repeat all of those reasons here, and respectfully refer the Court to our prior correspondence on this issue. *See* ECF Nos. 41, 62, 78, 83, 84, 98, 111, 122, 148, and 162.

As before, if the Court permits him to travel, Mr. Archer will report daily to his Pretrial Services Officer while he is away. In the past, Mr. Archer's wife and his three young children have generally surrendered their passports to Pretrial Services while he was out of the country, except that in July 2016, Your Honor permitted Dr. Archer to travel with her husband; in February 2017, Dr. Archer had a separate international trip planned at the same time as Mr. Archer, so she was allowed to keep her passport; and earlier this month, Your Honor permitted

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Dr. Archer and the Archers' oldest son to meet him in London. On those occasions, Pretrial Services held the passports of their other children while the Archers were abroad. On this proposed trip, Mr. Archer will travel to the Philippines alone for business, but his wife and children are scheduled to take a separate family vacation to the Caribbean – next week is Spring break for the children's school. (Information about the family's vacation is also on the attached exhibit). This would be the first time that Mr. Archer and his immediate family will be out of the country at the same time, and ordinarily Mr. Archer would not request to travel under these circumstances, even though he is no risk of flight. However, the meetings in the Philippines involve meeting with executives, technical staff, investors, and others who will have travelled from all over the world to meet in furtherance of a proposed transaction that Mr. Archer has been spearheading for the company in which he is involved, as well as meetings with high-level government officials in connection with regulatory approval of the deal. This is the same proposed transaction for which Mr. Archer travelled to Vietnam and China in January 2017, and to Malaysia, Singapore, and the Philippines in February 2017. ECF Nos. 98, 122. In short, Mr. Archer's attendance at these meetings is important. Accordingly, we respectfully request that Mr. Archer be permitted to travel to the Philippines from March 26-April 1, 2017, subject to daily reporting to Pretrial and his existing waiver of extradition.

Thank you for your consideration of this request.

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz

cc: BY ELECTRONIC MAIL

AUSAS Brian Blais, Aimee Hector, and Rebecca Mermelstein
U.S. Pretrial Services Officer Andrew R. Kessler-Cleary

Application granted. Mr. Archer will report daily to his Pretrial Services Officer while he is away. The attached Exhibit will be filed under seal as it contains private travel information. SO ORDERED.



Ronnie Abrams, U.S.D.J.
March 23, 2017